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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,887	07/03/2003	Toshihiro Shima	MIPFP037	7007

25920 7590 04/10/2007  
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EXAMINER
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HIGA, BRENDAN Y

ART UNIT	PAPER NUMBER
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2153

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/612,887	Applicant(s) SHIMA ET AL.	
	Examiner Brendan Y. Higa	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

This communication is in response to the application filed on July 03, 2003.

Claims 1-9 are pending.

#### ***Priority***

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

The effective filing date for the subject matter defined in the pending claims in this application is July 04, 2002.

#### ***Drawings***

The Examiner contends that the drawings submitted on January 29, 2004 are acceptable for examination proceedings.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Schacht et al. (US 6959437), hereafter referred to as Schacht.

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As per claim 7, Schacht teaches a device (printer or MFP) used in connection with a network (see Fig. 2), said device comprising: a storage unit configured to store an URL (hyperlink on the printer's embedded webpage) for download corresponding to a Web page which provides device control software to control said device on The Internet (see col. 4, lines 54-63); a HTTP communication unit (Fig. 3, ref. 300) configured to generate a markup language file including a link to said URL for download (hyperlink on the printer's embedded webpage) and to send said markup language file back to a client through a HTTP response in response to a HTTP request from said client (see col. 5, lines 28-41).

As per claim 8, Schacht further teaches wherein said storage unit stores an URL for update corresponding to a Web page which provides update information to update said URL for download (see external server/web server Fig. 2, ref. 208, col. 6, lines 39-45), and said device further comprising: an update unit configured to acquire said update information from said Web page based on said URL for update and to utilize said update information to update said URL for download (see col. 6, lines 39-45).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claim 1-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schacht (US 6959437) in view of Wittel, Jr. et al. (US 2003/0195951), hereafter referred to as Wittel.**

As per claims 1 and 9, Schacht teaches a device (printer or MFP) used in connection with a network (see Fig. 2), said device comprising: a communication unit (Fig. 3, ref. 300) configured to communicate with a client (Computer Workstation, Fig. 2, ref. 204) via said network (Fig. 2, ref. 206); and an information unit configured to inform said client of said searched storage location of said device control software ("hyperlink on embedded web page", see col. 4, lines 54-63).

Schacht does not expressly teach an identification unit configured to input OS information representing an operating system installed in said client to identify a type of

said operating system used in said client; a search unit configured to search a storage location on said network of device control software, which corresponds to said identified type of said operating system and controls said device, from a database in which specifications of operating systems and storage locations of device control software are recorded in association with each other;

However, in the same art of client server communications, Wittel teaches a system and method for dynamically detecting, downloading, and installing drivers for a client system by describing information relating to the client system's operating environment (including the client system's operating system (see [0049] and claim 4)) which is transferred to a server system (read as a storage location on said network) for the purpose of matching available information on the server to the client system's components (see [0042] and [0046]). Furthermore, Wittel teaches, upon matching the client system's operating environment, returning a catalog of information from the server system including a URL for downloading a particular device driver (see [0046]).

One of skill in the art would have been motivated to combine the teachings of Schacht with the teachings of Wittel in order to support multiple clients having a plurality of operating system environments.

As per claim 2, Schacht further teaches said communication unit communicates based on HTTP (see col. 5, lines 28-35), and said information unit generates and sends to said client a markup language file including a link to the storage location of said device control software ("hyperlink on embedded web page", see col. 4, lines 54-63).

As per claim 3, the combination of Schacht and Wittel teaches the communication unit communicates based on HTTP (Schacht: Fig. 3, ref. 300), and said OS information is described as environment variable (see Wittel: [0049] and claim 4) in a HTTP request sent from said client (Schacht: col. 5, lines 28-41 and Wittel: [0042]).

The same motivation that was utilized for combining Schacht and Wittel in claim 1 applies equally well to claim 3.

As per claim 4, Schacht in view of Wittel teaches the invention substantially as claimed as noted above. Furthermore, Wittel teaches wherein said database is stored in a predetermined server connected to said device via said network (see Update Server, Fig. 2, ref. 206).

The same motivation that was utilized for combining Schacht and Wittel in claim 1 applies equally well to claim 4.

As per claim 5, Schacht in view of Wittel teaches the invention substantially as claimed as noted above. Furthermore, Wittel teaches said storage locations in said database are also recorded in association with model information of devices, and said search unit uses the model information of said device and said identified type of said operating system to search the storage location of said device control software (see "device model" paragraphs [0042], [0046], [0047], and [0049]).

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The same motivation that was utilized for combining Schacht and Wittel in claim 1 applies equally well to claim 5.

As per claim 6 Scachet and Wittel teaches the invention substantially as claimed as noted above. Furthermore, Wittel teaches said database is described in XML (see [0026]).

The same motivation that was utilized for combining Schacht and Wittel in claim 1 applies equally well to claim 6.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see attached USPTO 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BYH



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